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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,590	05/31/2001	Alok K. Srivastava	O17017812001	2628
23639 7590 06/25/2007 BINGHAM MCCUTCHEN LLP Three Embarcadero Center San Francisco, CA 94111-4067			EXAMINER RAMPURIA, SATISH	
			ART UNIT 2191	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/872,590

Applicant(s)

SRIVASTAVA ET AL.

Examiner

Satish S. Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is in response to the amendment received on 04/09/2007.
2. Claims amended by the Applicant: 1 and 32.
3. New claims added by the Applicant: 33-37.
4. Claims pending in the application: 1-37.

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but they are not persuasive.

In the remarks, the applicant has argued that:

35 U.S.C 102(e)

The Office Action has stated that the limitation of "creating a second trace grammar wherein the second trace grammar is different than the first trace grammar in which the second trace grammar also complies with the rules of the meta-language grammar" is disclosed by col. 5, line 4 and col. 6, lines 35-36. Applicants respectfully disagree. Specifically, col. 5, line 4 discloses that data from a legacy system has to be translated in order to be transmitted over the present day Internet. Col. 6, lines 35-36 discloses a tracing facility called "UTrace" that allows components from one or more applications to write trace information to a common trace file. Translating data and writing to a common file do not anticipate the second trace grammar as claimed, where the second trace grammar complies with the same meta-language grammar as a first trace grammar. That section of Behr is completely silent regarding first and second trace grammars or a meta-language grammar, much less any disclosure regarding the specific claims limitation of "creating a second trace grammar wherein the second trace grammar is different than the first trace grammar..." Therefore, Behr does not disclose all the limitations of the claims.

Examiner's response:

In response to the Applicants argument, regarding the limitation "creating a first trace grammar" and "creating a second trace grammar wherein the second trace grammar is different than the first trace grammar in which the second trace grammar also complies with the rules of the meta-language grammar". As explained previously that Behr's system disclose a dynamic tracing facility which permits the user to debug the application using Utrace.exe which writes traced information to a trace file (See

summary) including multiple traces. In addition, Behr disclose method and apparatus for debug of multiple component applications for access of a legacy database management system via Internet terminal (col. 4, lines 63-67). Further Behr also disclose the limitation "creating... meta-language grammar" on col. 19 to col. 20 lines 44-67 and lines 1-3 and FIG. 17, where the Utrace component writes two different trace files for Application 1 and for Application 2. In order to permit any such access an interface is provided, which translates transaction data transferred from the user over the Internet in HTML format into a format which database management system commands may be generated (col. 5, lines 1-13). Further, if Behr transfers data over the Inter in HTML from or translating data from HTML from in a new format, which can be used in conjunction with a database management system. The act of translating data from HTML format into a new format is similar to materialize a trace in markup language syntax. Furthermore, as indicated during the interview (6/7/2006) that meta language limitation is very broad and creating meta language is equivalent to a markup language for computing environment it means "HTML and XHTML are examples of markup languages that can be used by anyone wishing to translate media including video, sound, graphics and text into a language intelligible to a computer and suitable for display on the Internet. Originally this required manually typing up an HTML document but there are software programs that will do this now. There are in addition special mark up languages for mathematical and scientific notation such as Tex and LaTeX or one of its many variants. Another common ***example of a metalanguage in computing is XML***. Many other metalanguages have been based on the W3C XML 1.0 standard, including" the excerpt

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is taken from <http://en.wikipedia.org/wiki/Meta-language> (copy attached in the prior office action) which clearly states that XML is an example of meta language. Applicant only makes general allegations. Therefore, the rejection is proper and maintained herein.

In the remarks, the applicant has argued that:

35 U.S.C 103(a)

Claim 7 recites "[t]he process of claim 6 in which one or more tables comprises hash tables corresponding to keywords in the one or more traces." Claim 7 depends from Claim 6, which in turn depends from Claim 1. Accordingly, Claim 7 includes all the limitations of Claim 1. As discussed above, Behr et al. do not disclose each and every limitation of Claim 1. In particular, Behr et al. fail to disclose at least the limitations of "creating a second trace grammar wherein the second trace grammar is different than the first trace grammar in which the second trace grammar also complies with the rules of the meta-language grammar." Even if Berry et al. disclose the limitation "the one or more tables comprises hash tables corresponding to keywords in the one or more traces," as alleged in the Office Action, Barry et al. fail to cure all of the deficiencies of Behr et al. In particular, like Behr et al., Barry et al. fail to disclose the limitations of "creating a second trace grammar wherein the second trace grammar is different than the first trace grammar in which the second trace grammar also complies with the rules of the meta-language grammar." Applicants also submit that Behr in fact teaches away from the idea of allowing multiple trace grammars. As noted above, the rationale for the Behr approach is to allow multiple trace streams to be unified and standardized into a single common format for trace attributes. As such, Behr would not need to have multiple co-existing trace grammars. It would completely change the principle of operation espoused by Behr to have multiple trace grammars, since having multiple trace grammars would result in multiple formatting manners for the trace attributes. As such, and pursuant to MPEP 2143.01(VI), there is no motivation to modify Behr in the manner suggested by the Office Action since such a modification would change the principle of operation of Behr.

Examiner's response:

In response to applicant's argument with respect to claim 7, the response to 102(e) argument is incorporated and further, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge

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generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). It is noted that the rejection clearly points out where the combination of Behr and Berry teach the claimed features and why it would have been obvious to combine their teachings. Specifically, the rejection points out that the motivation to "the one or more tables comprises hash tables corresponding to keywords in the one or more traces" would be to separately maintains profile or trace information for multiple, simultaneous profiling sessions as suggested by Berry (col. 2, lines 48-60). Applicant only makes general allegations. Therefore, the rejection is proper and maintained herein.

In the remarks, the applicant has argued that:

35 U.S.C 103(a)

Claim 16 recites "[t]he process of claim 8 further comprising: performing a search of the semantic network based upon a received query." Claim 16 depends from Claim 8, which in turn depends from Claim 1. Accordingly, Claim 16 includes all the limitations of Claim 1. As discussed above, Behr et al. do not disclose each and every limitation of Claim 1. In particular, Behr et al. fail to disclose at least the limitations of "creating a second trace grammar wherein the second trace grammar is different than the first trace grammar in which the second trace grammar also complies with the rules of the meta-language grammar." Even if Nashed discloses the limitation "performing a search of the semantic network based upon a received query," as alleged in the Office Action, Nashed fails to cure all of the deficiencies of Behr et al. because, like Behr et al., Nashed fails to disclose the limitations of "creating a second trace grammar wherein the second trace grammar is different than the first trace grammar in which the second trace grammar also complies with rules of the meta-language grammar."

Examiner's response:

In response to applicant's argument with respect to claim 16, the response to 102(e) argument and claim 7 is incorporated and further in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the

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teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). It is noted that the rejection clearly points out where the combination of Behr and Nashed teach the claimed features and why it would have been obvious to combine their teachings. Specifically, the rejection points out that the motivation to “performing a search for the semantic network base upon a received query” would be to provide high quality and highly relevant information concerning a topic of interest identified by search query as suggested by Nashed (col. 2, lines 27-38). Applicant only makes general allegations. Therefore, the rejection is proper and maintained herein.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Claim Rejections - 35 USC § 112

7. The rejection under 35 U.S.C. 112, second paragraph, to claims 1 and 32 due to incomplete for omitting essential steps is withdrawn in view of Applicants amendment.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-6, 8-15, 18-19, 22, 24-29, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,708,173 to Behr et al., (hereinafter called Behr).

Per claim 1, 2, 5, 8-10, 12, 14, 18, and 19:

- creating a meta-language grammar (col. 5, lines 3-4 "data transferred from the use over the internet in HTML format");
- creating a first trace grammar in which the trace grammar complies with rules of the meta-language grammar (col. 5, lines 4 "the internet in HTML format" and

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(col. 6, lines 35-36 "UTrace.exe provides the implementation the trace file on behalf of the application");

- creating a second trace grammar wherein the second trace grammar is deferent that the first trace grammar in which the second trace grammar also complies with the rules of the meta-language grammar (col. 5, lines 4 "the internet in HTML format" and (col. 6, lines 35-36 "UTrace.exe provides the implementation the trace file on behalf of the application");
- generating one or more traces compliant with the traces grammars (col. 6, lines 36-37 "UTrace... writes trace information to a common trace file");
- parsing the one or more traces (col. 19, lines 58-60 "client builds up trace message using the CUTracer class");
- identifying interrelationships within the one or more traces (col. 19, lines 61-63 "CUTracer class does formatting as determined by its properties, and then invokes one of the IUTrace interface methods"); and
- generating a new version of the one or more traces using a markup language syntax (col. 20, lines 11-24 "initiate... Utrace COM object...prepares the class generic formatting... trace data is stored... trace flags which are stored in a registry (version) value... corresponding registry key" also, fig. 18 and related discussion).

Per claim 3:

The rejection of claim 2 is incorporated, and further, Behr disclose:

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- detecting a format conflict between the first trace grammar and the second trace grammar (col. 6, lines 52- 56 “present invention separates the tracing process into tow processes... generally formatting all trace attributes in a common manner... consist of... items as PID, Thread ID and time stamp...”).

Per claim 4:

The rejection of claim 1 is incorporated, and further, Behr disclose:

- generating parsing rules based upon an analysis of the first trace grammar (col. 19, lines 61-62 “CUTracer class does formatting as determined by its properties).

Per claim 6:

The rejection of claim 1 is incorporated, and further, Behr disclose:

- Storing results of parsing in one or more tables (Fig. 18 and related discussion).

Per claim 11:

The rejection of claim 9 is incorporated, and further, Behr disclose:

- Each of the at least tow nodes is represented as a keyword-UID combination (col. 6, lines 54-56 “formatting information consist of such items as PID, Thread ID...”).

Per claim 13:

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- The semantic network representation language is selected from the group consisting of SnePs, SGML, XML and HTML (col. 5, lines 3-4 "data transferred from the user over the internet in HTML").

Per claim 15:

- The semantic network is built using a semantic network builder system (col. 4, lines 66-67 "multiple component applications for access of a legacy data base management system via").

Claims 22 and 24-29 are the system claims corresponding to method claims 6 and 9-14 respectively, and rejected under the same rational set forth in connection with the rejection of claims 6 and 9-14 respectively, above.

Claim 32-37 are the computer product claim corresponding to process claims 1-3, 8, 18-19 and rejected under the same rational set forth in connection with the rejection of claims 1-3, 8, 18-19 above.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Behr in view of US Patent No. 6,754,890 to Berry et al. (hereinafter called Berry).

Per claim 7:

Behr does not explicitly disclose the one or more tables comprises hash tables corresponding to keywords in the one or more traces.

However, Berry discloses in an analogous computer system the one or more tables comprises hash tables corresponding to keywords in the one or more traces (col. 10, lines 15-26 "In post-processing... trees and/or hash tables... to maintain names associated the records in the trace file... hash table employs hashing to convert an identifier or a key, meaningful to a user, into a value for the location of the corresponding data in the table").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method one or more tables comprises hash tables corresponding to keywords in the one or more traces as taught by Berry into the method of tracing the applications on the world wide web as taught by Behr. The modification would be obvious because of one of ordinary skill in the art would be motivated to have hash tables with corresponding keywords for traces to separately maintains profile or trace information for multiple, simultaneous profiling sessions as suggested by Berry (col. 2, lines 48-60).

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12. Claim 16, 17, 20, 21, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Behr in view of US Patent No. 6,654,749 to Nashed (hereinafter called Nashed).

Per claim 16:

The rejection of claim 8 is incorporated, and further, Behr does not explicitly disclose performing a search of the semantic network base upon a received query.

However, Nashed discloses in an analogous computer system performing a search for the semantic network base upon a received query (col. 3, lines 17-21 "server engine includes a query server containing a search processor which performs searching of the indexed database based on the search query entered and expansion words generated from the search query using semantic network expansion").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of performing a search for the semantic network base upon a received query as taught by Nashed into the method of tracing the applications on the world wide web as taught by Behr. The modification would be obvious because of one of ordinary skill in the art would be motivated use search engine to provide high quality and highly relevant information concerning a topic of interest identified by search query as suggested by Nashed (col. 2, lines 27-38).

Per claim 17:

The rejection of claim 16 is incorporated, and further, Behr disclose:

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- Semantic network is utilized to identify hyperlinks to be embedded into new version of the one or more traces (col. 19, lines 12-15 "The response is then transferred...world wide web... HTML page is presented to the user on workstations").

Claim 20 and 21 are the system claim corresponding to process claims 1, 8, 17 and 4 and rejected under the same rationale set forth in connection with the rejection of claims 1, 8, 17 and 4 above.

Claims 30 and 31 are the system claims corresponding to process claim 16 and rejected under the same rationale set forth in connection with the rejection of claim 16 above.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is **(571) 272-3732**. The examiner can normally be reached on **8:30 am to 5:00 pm** Monday to Friday except every other Friday and federal holidays. Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: 571-272-2100**.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wei Y. Zhen** can be reached on **(571) 272-3708**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria
Patent Examiner/Software Engineer
Art Unit 2191



WEI ZHEN
SUPERVISORY PATENT EXAMINER